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On 7-23-07
By Angela Loding
Angela Loding

PATENT
Attorney Docket No.: S-09-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David C. Hovda et al.

Application No.: 10/799,491

Filing Date: March 12, 2004

For: **METHODS AND APPARATUS FOR
TREATING INTERVERTEBRAL DISCS**

Examiner: Lee S. Cohen

Art Unit: 3739

Confirmation No.: 8367

**INFORMATION DISCLOSURE
STATEMENT UNDER
37 CFR §1.97 and §1.98**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants wish to call the attention of the Examiner to the references that are listed on the attached PTO form 1449.

It is respectfully requested that the cited information be considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue there from.

These citations do not constitute an admission that the references are relevant or material to the claims.

This IDS is being filed with a Request for Continued Examination and accordingly, Applicants believe that no fee is necessary however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.391.3961.

Respectfully submitted
Attorney for Applicants,

Brian E. Szymczak
Reg. No. 47,120

Date _____

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PTO-1449 Information Disclosure Citation in an Application	Application No.	Applicant(s)	
	10/799,491	David C. Hovda et al.	
	Docket Number S-09-5	Group Art Unit 3739	Filing Date March 12, 2004

U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A.	4161950	7/24/1979	Cowan et al.	606	48	8/1/1975
B.	4449926	5/22/1984	Weiss	433	32	11/23/1981
C.	5290273	3/1/1994	Ton	606	9	5/25/1993
D.	5617854	4/8/1997	Munsif	600	374	6/22/1994
E.	5626136	5/6/1997	Webster, Jr.	600	373	6/7/1995
F.	5762629	6/9/1998	Kambin	604	164.11	5/2/1996
G.	5766252	6/16/1998	Henry et al.	623	17.16	1/24/1995
H.	5807306	9/15/1998	Shapland et al.	604	21	8/16/1994
I.	5820580	10/13/1998	Edwards et al.	604	22	10/3/1996
J.	5849009	12/15/1998	Bernaz	606	36	1/31/1997
K.	5925042	7/20/1999	Gough et al.	606	41	11/3/1997
L.	5941869	8/24/1999	Patterson et al.	604	508	5/16/1997
M.	6014584	1/11/2000	Hofmann et al.	604	21	1/8/1999
N.	6036681	3/14/2000	Hooven	604	506	9/5/1997
O.	6045532	4/4/2000	Eggers et al.	604	114	8/7/1998
P.	6086584	7/11/2000	Miller et al.	606	41	9/10/1996
Q.	6245107	6/12/2001	Ferree	606	61	5/28/1999
R.	6264651	7/24/2001	Hovda et al.	606	32	5/24/1999
S.	6264651	7/24/2001	Underwood et al.	606	32	7/1/1999
T.	6330478	12/11/2001	Lee et al.	607	101	9/4/1998
U.	6402740	6/11/2002	Ellis et al.	606	28	7/20/2000
V.	6428576	8/6/2002	Haldimann	623	17.16	4/14/2000
W.	6464695	10/15/2002	Hovda et al.	606	32	1/19/2001
X.	6468270	10/22/2002	Hovda et al.	606	32	9/19/2000
Y.	6497704	12/24/2002	Ein-Gal	606	41	4/4/2001

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PTO-1449 Information Disclosure Citation In an Application			Application No. 10/799,491	Applicant(s) David C. Hovda et al.		
			Docket Number S-09-5	Group Art Unit 3739	Filing Date March 12, 2004	
U.S. PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A.	6540741	4/1/2003	Underwood et al.	606	32	10/4/1999
B.	6558390	5/6/2003	Cragg	606	80	2/13/2001
C.	6562033	5/13/2003	Shah et al.	606	41	4/9/2001
D.	6575968	6/10/2003	Eggers et al.	606	41	5/16/2000
E.	6604003	8/5/2003	Fredriks et al.	607	99	9/6/2001
F.	6620155	9/16/2003	Underwood et al.	606	32	2/20/1998
G.	6622731	9/23/2003	Daniel et al.	128	895	1/11/2002
H.	6635087	10/21/2003	Angelucci et al.	623	17.11	8/29/2001
I.	6645247	11/11/2003	Ferree	623	17.11	6/13/2002
J.	6712811	3/30/2004	Underwood et al.	606	32	9/30/2002
K.	6726684	4/27/2004	Woloszko et al.	606	32	11/8/2000
L.	6740093	5/25/2004	Hochschuler et al.	606	94	2/27/2001
M.	6772012	8/3/2004	Ricart et al.	607	99	5/3/2001
N.	6827716	12/7/2004	Ryan et al.	606	41	9/30/2002
O.	6837884	1/4/2005	Woloszko	606	32	6/18/2002
P.	6878155	4/12/2005	Sharkey et al.	607	96	6/18/2001
Q.	6974480	12/13/2005	Messerli et al.	623	17.11	11/13/2002
R.	6997885	2/14/2006	Lubbock et al.	600	567	7/27/2007
S.	6997925	2/14/2006	Maguire et al.	606	41	10/21/2002
T.	7001431	2/21/2006	Bao et al.	623	17.12	2/13/2003
U.	2002/0082698	6/27/2002	Parenteau et al.	623	17.16	9/18/2001
V.	2002/0120337	8/29/2002	Caulhen	623	17.16	4/30/2002
W.	2003/0130738	7/10/2003	Hovda et al.	623	17.11	11/8/2002
X.	2004/0116922	6/17/2004	Hovda et al.	606	41	9/5/2003
Y.	2006/0095026	5/4/2006	Ricart et al.	606	32	9/19/2005
Z.	2007/0010809	1/11/2007	Hovda et al.	606	41	8/2/2006
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PTO-1449		Application No.	Applicant(s)		
Information Disclosure Citation in an Application		10/799,491	David C. Hovda et al.		
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FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
A.	94/26228	11/24/1994	WO	A61B	17/00	X
B.	95/05781	3/2/1995	WO	A61B	17/00	X
C.	95/05867	3/2/1995	WO	A61B	17/00	X
D.	96/23449	8/8/1996	WO	A61B	17/00	X
E.	96/41574	12/27/1996	WO	A61B	17/00	X
F.	96/07360	3/14/1996	WO	A61B	17/00	X
G.	97/00070	1/3/1997	WO	A61K	31/415	X
H.	97/24992	7/17/1997	WO	A61B	18/12	X
I.	98/00070	1/8/1998	WO	A61B	18/14	X
J.	98/14131	4/9/1998	WO	A61B	18/00	X
K.	99/03414	1/28/1999	WO	A61B	18/14	X
L.	01/82813	11/8/2001	WO	A61B	18/14	X
M.	719162 B1	11/19/1997	EP	A61N	01/05	X
N.	774926 B1	6/9/1999	EP	A61B	17/39	X
O.	515 867	12/2/1992	EP	A61B	17/36	X
P.	94/08524	4/28/1994	WO	A61B	17/32	X
Q.	96/20652	7/11/1996	WO	A61B	18/14	X
R.	98/03220	1/29/1998	WO	A61B	18/14	X

NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
S.	Buchelt, et al. "Excimer Laser Ablation of Fibrocartilage: An In Vitro and In Vivo Study", Lasers in Surgery and Medicine, Vol. 11, pgs. 271-279	1991
T.	Costello et al., "Nd: YAG Laser Ablation of the Prostate as a Treatment for Benign Prostatic Hypertrophy", Lasers in Surgery and Medicine, Vol. 12, pages 121-124	1992
U.	Rand et al., "Effect of Electrocautery on Fresh Human Articular Cartilage", J. Arthro. Surg., Vol. 1, pgs. 242-246	1985
V.	PCT International Search Report for PCT/US99/03339 (Atty Docket No. S-2PC), 1 pg	Mailed 5/14/99
W.	PCT International Search Report for PCT/US99/17821 (Atty docket no. S-4PC), 1 pg	Mailed 10/19/99
X.	PCT International Search Report for PCT/US00/13706 (Atty docket no. S-5PC), 1 pg.	Mailed 7/31/00
Y.	PCT International Search Report for PCT/US00/28267 (Atty docket no. S-7PC), 1 pg	Mailed 3/23/01

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						YES	NO
A.	00/10475	3/2/2000	WO	A61B	18/14	X	
B.	00/62698	10/26/2000	WO	A61B	18/14	X	
C.	99/42037	8/26/1999	WO	A61B	18/14	X	
D.	00/07507	2/17/2000	WO	A61BM	03/02	X	
E.	00/071043	11/30/2000	WO	A61B	18/14	X	
F.	01/26570	4/19/2001	WO	A61B	18/14	X	
G.	02/11635	2/14/2002	WO	A61B	18/14	X	
H.	03/024506	3/27/2003	WO	A61B	18/14	X	
I.	04/22155	3/18/2004	WO	A61B	18/18	X	
J.	05/39390	5/6/2005	WO	A61B	18/18	X	
K.	05/122938	12/29/2005	WO	A61B	18/18	X	

NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
L.	PCT International Search Report for PCT/US01/15728 (Atty docket no. S-9PC), 1 pg.	Mailed 10/18/01
M.	PCT International Preliminary Examination Report for PCT/US01/15728 (Atty docket no. S-9-PC), 4 pgs	1/23/03
N.	PCT International Search Report for PCT/US02/29469 (Atty docket no. S-9-5PC), 1 pg.	Mailed 5/22/03
O.	PCT International Search Report for PCT/US03/27745 (Atty docket no. S-12PC), 1 pg.	Mailed 7/2/04
P.	PCT International Search Report for PCT/US05/20774 (Atty docket no. S-19-1PC) 1 pg.	Mailed 10/26/05
Q.	PCT Written Opinion of the International Searching Authority for PCT/US05/20774 (Atty docket no. S-19-1PC), 4 pgs.	Mailed 10/26/05
R.	PCT International Search Report for PCT/US04/34949 (Atty docket no. S-19PC), 1 pg.	Mailed 3/28/06
S.	PCT Written Opinion of the International Searching Authority for PCT/US04/34949 (Atty docket no. S-19PC), 3 pgs.	Mailed 3/28/06
T.	Supplementary EP Search Report for EP97932609, 2 pgs	12/19/00
U.	EPO Communication, Supplementary EP Search Report for EP99934236, 3 pgs	Mailed 10/9/01
V.	EPO Communication, Supplementary EP Search Report for EP01935554, 5 pgs	Mailed 2/27/06
W.	EPO Communication, Supplementary EP Search Report for EP03749423, 3 pgs	Mailed 3/21/06

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